

EXHIBIT 7

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public)
benefit corporation,)

Plaintiffs,)

vs.) Case No.: 2:16-cv-2129

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
including but not limited to SANG)
LEE, BRANT BLAKEMAN, ALAN JOHNSTON,)
AKA JALIAN JOHNSTON, MICHAEL RAE)
PAPAYANS, ANGELO FERRARA, FRANK)
FERRARA, CHARLIE FERRARA AND CITY)
OF PALOS VERDES ESTATES; CHIEF OF)
POLICE JEFF KEPLEY, in his)
representative capacity; and DOES)
1-10,)

Defendants.)

DEPOSITION
Jeff Kepley
Monday, October 10, 2016
Volume 1

Reported by: Kathy L. Pa'u
CSR No. 5684
Job No. 2454464
Pages 1 through 270

1 of using undercover officers in the area or in the water
2 to further witness and investigate these matters.

3 Do you know if any officers went with 09:50:40
4 undercover in Lunada Bay following this incident?

5 A They did not, not that I am aware of. 09:50:45

6 Q Why is that? 09:50:48

7 A Well, logistics, for one, are a little bit 09:50:54
8 difficult. Because we are a small city, in the context,
9 that many of our officers know the surfers and the
10 surfers know our officers.

11 So I would need to use officers from other 09:51:13
12 areas. And that creates kind of a logistical challenge.
13 That -- so --

14 Q Did you reach out to any other local 09:51:34
15 jurisdictions to ask for help in this regard?

16 A I did. 09:51:40

17 Q Which jurisdictions? 09:51:40

18 A City of Santa Monica. 09:51:42

19 Q Any others? 09:51:46

20 A I actually extended the request to several 09:51:47
21 agencies. And Santa Monica was the agency that
22 responded.

23 Q No others responded? 09:51:58

24 A No. 09:52:00

25 Q Sorry, was that a no? 09:52:00

1 A That was a no. 09:52:02

2 Q And what was the nature of your request? 09:52:06

3 A Well, I asked for officers to go undercover as 09:52:10

4 surfers, or in some other way offer some support for

5 surveillance, or get some other additional resources to

6 police the Lunada Bay issue.

7 Q And what was the City of Santa Monica's 09:52:24

8 response to your request?

9 A It was favorable and helpful. They provided 09:52:31

10 supervisory and line level officers in an undercover

11 capacity.

12 Q Did they provide surfers? 09:52:39

13 A Officers that would pose as surfers, yes. 09:52:42

14 Q So they did send undercover officers? 09:52:47

15 A They offered those officers to us. 09:52:53

16 Q But you didn't accept their offer? 09:52:56

17 A We accepted, but had to cancel. 09:52:58

18 Q Why is that? 09:53:01

19 A Because the -- we categorize this as an 09:53:04

20 undercover operation, if you will, with a plan that

21 involved surveillance units, supervisory units and line

22 level officers posing as surfers to go into the bay.

23 But that operation was compromised. And it 09:53:20

24 became known to other surfers in the area. So as

25 typical, when that happens, the operation was canceled

1 to protect the officers.

2 Q When was the operation scheduled to commence? 09:53:34

3 A I don't recall the date. 09:53:39

4 Q It was in 2015 or 2016? 09:53:41

5 A I believe it was January or February of 2016. 09:53:45

6 Q And how long had it been planned? In other 09:53:55

7 words, how long had your department been working with

8 Santa Monica to coordinate this?

9 A I would estimate maybe a month. 09:54:08

10 Q And you said the operation was compromised, how 09:54:17

11 was it compromised?

12 A It was brought to my attention that the city 09:54:25

13 manager had received a phone call from someone claiming

14 to be a surfer in Lunada Bay that was questioning why

15 the cops are coming out undercover tomorrow.

16 So the caller appeared to have information that 09:54:41

17 he knew that our operation was the following day. And

18 that we would have an undercover operation that day.

19 So upon hearing that from the city manager, it 09:54:56

20 was clear, to me, the information had been leaked out to

21 the community somehow or to surfers, whoever that might

22 have been on the phone. And to protect the officers, I

23 decided to cancel the operation.

24 Q Did you follow up to investigate where that 09:55:11

25 leak might have occurred?

1 Q Of course. Take your time. 10:07:06

2 A So I do not recall being interviewed for this 10:07:24
3 particular article. But I did have many conversations
4 with its author, Garrett Therolf, from the L.A. Times,
5 some of which may be for this article.

6 Q Okay. If you turn to page two of the article, 10:07:40
7 the first full paragraph, you're quoted as saying,
8 quote, I'm not so naive to believe that we can solve
9 this instantly or overnight. It took 50 years to get
10 here. Hopefully, it won't take that long to resolve, I
11 think it's very important to get the word out as
12 aggressively and enthusiastically as we can that the
13 status quo is going to be mixed up around here.

14 Do you recall saying that? 10:08:11

15 A I recall making statements like that to him, 10:08:14
16 yes.

17 Q Okay. What did you mean when you said that the 10:08:16
18 status quo is going to be mixed up around here?

19 A When this Guardian video came out, it caused a 10:08:33
20 quick steep learning curve for me to learn some of the
21 history. And I had heard people from the community and
22 staff members, and all, tell me that there have been
23 conflicts and issues in the surfing culture for many,
24 many years, as many as 50 years or more.

25 And I just felt strongly that if that had been 10:09:07

1 And, in La Habra, we had a specialized gang 10:31:47
2 detail that I worked with, but was not specifically a
3 part of. I was a command staff member.

4 Q In your department, now, do you presently 10:32:02
5 conduct any formal education or training with respect to
6 policing gangs?

7 A I don't believe so. And I'm quantifying my 10:32:12
8 response to the time that I've been there. What
9 happened before I got there, I don't know.

10 Q Understood. Now, going back to The Guardian 10:32:30
11 video, I believe you said earlier, you don't know who
12 the people are who were in the video that was recorded
13 by The Guardian at the beach?

14 A That's correct. 10:32:57

15 Q Now, you said that the bay boys have a gang 10:33:05
16 like mentality or a gang mentality, what did you mean by
17 that?

18 MR. WORGUL: I'm going to object; it misstates 10:33:22
19 the quote.

20 MR. CROWLEY: Vague and ambiguous and 10:33:27
21 overbroad.

22 THE WITNESS: I'm sorry to ask you, if you 10:33:32
23 would not mind repeating that question.

24 MS. WOLF: No worries. I'm sorry to ask. 10:33:35
25 Would you mind rereading that?

1 (Record read.) 10:33:51

2 THE WITNESS: Okay. So the gang like mentality 10:33:53

3 that I referred to was the way in which gangs, street

4 gangs, often claim a territory. And will confront

5 people who come into their territory, where you from,

6 what are you doing, type of thing.

7 Some of that was relayed to me with respect to 10:34:14

8 those involved in disputes down on Lunada Bay in

9 dissuading them from coming to surf there, because they

10 are not from there. That was a similarity to how some

11 gang members might speak to a person coming into a

12 particular area.

13 BY MS. WOLF 10:34:33

14 Q So, in that respect, you believed that the bay 10:34:34

15 boys were like a gang in the sense that they were

16 protecting territory?

17 MR. CROWLEY: Same objections. 10:34:43

18 MR. WORGUL: Objection; vague and ambiguous, 10:34:45

19 and overbroad as to who the bay boys are.

20 THE WITNESS: I think my statement was their 10:34:51

21 gang like mentality, but I didn't think they were a

22 gang. I think there were similarities, certainly by

23 reading the papers, or hearing stories in the past, or

24 maybe watching that video, that there may be

25 similarities. And that was the extent to which I was

1 to view those photos?

2 A No. 14:37:40

3 MR. CROWLEY: Objection; lacks foundation. 14:37:42

4 MR. WORGUL: Join. 14:37:43

5 THE WITNESS: No. 14:37:44

6 BY MS. WOLF 14:37:45

7 Q Now, Ms. Reed was also asked by Detective 14:37:54

8 Vanegas, is that how you pronounce it?

9 A That's correct. 14:38:00

10 Q Why would a woman want to go down to that beach 14:38:01

11 at rock point anyway, there is only rocks down there.

12 Should it matter why Ms. Reed wanted to access the

13 beach?

14 A No. 14:38:11

15 Q You agree that anyone should be able to access 14:38:15

16 the beach; right?

17 A Yes. 14:38:18

18 Q Whether or not it's a woman, or a man or a 14:38:21

19 non-resident?

20 A Yes. 14:38:25

21 Q Do you believe that it is unsafe for a woman to 14:38:28

22 enjoy Lunada Bay?

23 MR. CROWLEY: Vague and ambiguous. 14:38:36

24 MR. WORGUL: Join. 14:38:37

25 THE WITNESS: I do not believe that it's 14:38:39

1 unsafe. But sense of safety and security is in the eye
2 of the beholder. And it's an individual feeling that
3 some people have. But, in my opinion, it's safe.

4 BY MS. WOLF 14:39:01

5 Q Do you think that a police officer asking a 14:39:07
6 woman why she would want to go visit a public space
7 could deter her from doing so?

8 A One more time. 14:39:19

9 Q Do you think that a police officer asking a 14:39:21
10 woman why she would want to visit a public space would
11 deter her from doing so in the future?

12 MS. LUTZ: Speculation. 14:39:34

13 MR. WORGUL: Incomplete hypothetical. 14:39:35

14 THE WITNESS: I don't know if it would have a 14:39:36
15 deterrent effect. And I don't know why that question
16 was asked.

17 BY MS. WOLF 14:39:43

18 Q Do you believe that question was improper? 14:39:43

19 A I can't say it was improper without asking the 14:39:45
20 reason as to why it was asked.

21 Q Then subsequent to this report, you and Captain 14:39:53
22 Best met with Ms. Reed and Mr. Otten on March 21st,
23 2016. Does that sound right?

24 A Yes. 14:40:03

25 Q What was the purpose of that meeting? 14:40:04

1 BY MS. WOLF 16:08:34

2 Q Sure. Do you think that localism has been a 16:08:35

3 problem at Lunada Bay this year?

4 A Yes. 16:08:45

5 Q Do you think that localism was a problem at 16:08:46

6 Lunada Bay last year?

7 A Yes. 16:08:51

8 Q Do you think localism was a problem in Lunada 16:08:52

9 Bay in 2014?

10 A I don't know. 16:08:58

11 Q Do you have concerns that localism may be a 16:09:01

12 problem in the upcoming surf season?

13 A I don't know. Well, I have plans to address it 16:09:08

14 if it does, but I don't know.

15 Q I think we touched on this briefly. But do you 16:09:40

16 believe that the bay boys is a gang under Penal Code

17 Section 186?

18 MR. CROWLEY: Asked and answered, lacks 16:09:50

19 foundation.

20 MR. WORGUL: Argumentative. 16:09:52

21 MR. RICHARDS: Asked and answered. You can 16:09:53

22 answer.

23 THE WITNESS: No. 16:09:55

24 BY MS. WOLF 16:09:55

25 Q Can you explain why? I think you said earlier 16:09:56

1 that --

2 MR. WORGUL: Objection. 16:10:08

3 MS. WOLF: Can I finish my question? 16:10:09

4 Q Earlier you said you thought they had a gang 16:10:12

5 mentality, but that they are not a gang because they are

6 not shooting people and they are not stabbing people; is

7 that right?

8 A I did make statements like that, yes. 16:10:21

9 Q And where in the Penal Code does it say that a 16:10:27

10 gang member has to be shooting or stabbing somebody to

11 be a criminal street gang?

12 A There are a list of enumerated crimes in PC 16:10:36

13 186.22.

14 Q And there are crimes that are listed, other 16:10:42

15 than -- I'm sorry -- in addition to homicide or assault;

16 correct?

17 MR. CAREY: Objection; as to which subsection 16:10:51

18 of 186.22 we are discussing.

19 MR. WORGUL: Objection; argumentative. 16:10:57

20 THE WITNESS: Yes. 16:10:59

21 BY MS. WOLF 16:11:03

22 Q To your knowledge, has the Palos Verdes Estates 16:11:04

23 Police Department ever investigated whether three or

24 more men have acted in concert together to commit

25 vandalism at Lunada Bay?